

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

EIGHTY-SEVENTH LEGISLATIVE DAY
WEDNESDAY, APRIL 8, 2009

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Cameron, Coiner, Davis, LeFavour, Lodge, Pearce, and Stegner, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Emily Tippetts, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 7, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Cameron, Davis, LeFavour, and Stegner were recorded present at this order of business.

April 8, 2009

The JUDICIARY AND RULES Committee reports that [S 1196](#) has been correctly printed.

DARRINGTON, Chairman

[S 1196](#) was referred to the State Affairs Committee.

April 7, 2009

The JUDICIARY AND RULES Committee reports that [S 1140](#), as amended, and [S 1175](#), as amended, have been correctly engrossed.

DARRINGTON, Chairman

[S 1140](#), as amended, and [S 1175](#), as amended, were filed for first reading.

April 7, 2009

The JUDICIARY AND RULES Committee reports that Senate amendments to [S 1140](#) and [S 1175](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 8, 2009

The JUDICIARY AND RULES Committee reports that Senate amendment to [H 256](#) has been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 7, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1011](#), [S 1053](#), as amended, [S 1074](#), as amended, as amended, [S 1097](#), [S 1122](#), [S 1123](#), [S 1126](#), [S 1132](#), [S 1134](#), and [S 1142](#) were delivered to the Office of the Governor at 2:35 p.m., April 7, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 7, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 218](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, [H 218](#) was referred to the Fourteenth Order of Business, General Calendar.

April 8, 2009

The STATE AFFAIRS Committee reports out [H 266](#) and [HCR 25](#) with the recommendation that they do pass.

MCKENZIE, Chairman

[H 266](#) was filed for second reading.

[HCR 25](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

April 8, 2009

The STATE AFFAIRS Committee reports out [H 198](#), as amended, with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

MCKENZIE, Chairman

[H 198](#), as amended, was filed for second reading.

April 8, 2009

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Ruthie Johnson to the Idaho Commission on Human Rights, term to expire July 1, 2011.

Hyong K. Pak to the Idaho Commission on Human Rights, term to expire July 1, 2011.

Ralph Williams to the Idaho Energy Resources Authority, term to expire June 30, 2013.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Coiner and Pearce were recorded present at this order of business.

April 7, 2009

Dear Mr. President:

I transmit herewith [H 249](#), as amended, [H 138](#), as amended, [H 276](#), and [H 281](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 249](#), as amended, [H 138](#), as amended, [H 276](#), and [H 281](#) were filed for first reading.

April 7, 2009

Dear Mr. President:

I return herewith [S 1108](#), as amended, [S 1013](#), [S 1146](#), [S 1158](#), [S 1015](#), [S 1020](#), as amended, [S 1022](#), [S 1153](#), and [S 1154](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1108](#), as amended, [S 1013](#), [S 1146](#), [S 1158](#), [S 1015](#), [S 1020](#), as amended, [S 1022](#), [S 1153](#), and [S 1154](#) were referred to the Judiciary and Rules Committee for enrolling.

April 7, 2009

Dear Mr. President:

I return herewith [S 1159](#), which has failed to pass the House.

ALEXANDER, Chief Clerk

[S 1159](#) was ordered filed in the office of the Secretary of the Senate.

April 7, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 173](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 173](#) and ordered it returned to the House.

April 8, 2009

Dear Mr. President:

I return herewith [S 1121](#), as amended in the House, [S 1086](#), as amended in the House, [S 1088](#), as amended in the House, and [S 1110](#), as amended in the House, which have passed the House.

ALEXANDER, Chief Clerk

On request by Senator Goedde, granted by unanimous consent, [S 1121](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Pearce, granted by unanimous consent, [S 1086](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Heinrich, granted by unanimous consent, [S 1088](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator LeFavour, granted by unanimous consent, [S 1110](#), as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Lodge was recorded present at this order of business.

The President announced that the House amendments to [S 1121](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1121](#), as amended in the House?"

On request by Senator Goedde, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1121](#), as amended in the House.

[S 1121](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to [S 1086](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1086](#), as amended in the House?"

Senator Pearce requested unanimous consent that the Senate concur in the House amendments to [S 1086](#), as amended in the House.

Senator Pearce withdrew his unanimous consent request that the Senate concur in the House amendments to [S 1086](#), as amended in the House, and [S 1086](#), as amended in the House, was referred to the Transportation Committee, pursuant to Senate Rule 14(F).

The President announced that the House amendments to [S 1088](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1088](#), as amended in the House?"

[S 1088](#), as amended in the House, was referred to the Transportation Committee, pursuant to Senate Rule 14(F).

The President announced that the House amendments to [S 1110](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being,

"Shall the Senate concur in the House amendments to [S 1110](#), as amended in the House?"

On request by Senator LeFavour, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1110](#), as amended in the House.

[S 1110](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1199

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2009; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICALLY INDIGENT ADMINISTRATION DIVISION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE MEDICALLY INDIGENT ADMINISTRATION DIVISION; AND DECLARING AN EMERGENCY.

S 1200

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND TO THE STATE TREASURER FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2010; AND PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED TO THE IDAHO MILLENNIUM INCOME FUND.

S 1201

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES; AMENDING SECTION 3, CHAPTER 392, LAWS OF 2006, TO REVISE A CERTAIN DATE; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1202

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2009; APPROPRIATING MONEYS FOR THE

IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING A CERTAIN UNEXPENDED AND UNENCUMBERED BALANCE; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; REAUTHORIZING LIMITED SERVICE POSITIONS; AND DECLARING AN EMERGENCY.

S 1203
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS FOR THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

[S 1199](#), [S 1200](#), [S 1201](#), [S 1202](#), and [S 1203](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[S 1140](#), as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

[S 1175](#), as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

[H 249](#), as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[H 138](#), as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

[H 276](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

[H 281](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 268](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1149](#) and [S 1162](#), by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

[S 1192](#), [S 1193](#), [S 1194](#), [S 1195](#), [S 1197](#), and [S 1198](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 272](#), [H 273](#), [H 274](#), [H 277](#), and [H 280](#), by Appropriations Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[H 230](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 230](#) passed, title was approved, and the bill ordered returned to the House.

[H 242](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 242](#) passed, title was approved, and the bill ordered returned to the House.

[H 161](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce,

Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 161](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 97](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Thorson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 97](#), as amended, passed, title was approved, and the bill ordered returned to the House.

[H 241](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Thorson (Stennett), Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 241](#) passed, title was approved, and the bill ordered returned to the House.

[H 252](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

Moved by Senator Werk, seconded by Senator Kelly, that [H 252](#) be laid on the table. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES–Bilyeu, Bock, Kelly, LeFavour, Sagness (Malepeai), Schroeder, Thorson (Stennett), Werk. Total - 8.

NAYS–Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 26.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared that the motion to lay [H 252](#) on the table did not prevail. The question being, "Shall [H 252](#) pass?"

Roll call resulted as follows:

AYES–Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Winder. Total - 26.

NAYS–Bilyeu, Bock, Kelly, LeFavour, Sagness (Malepeai), Schroeder, Thorson (Stennett), Werk. Total - 8.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared [H 252](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 12:20 p.m. until the hour of 9:30 a.m., Thursday, April 9, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary